

# HB2327

Measure Title:	RELATING TO CONSUMER PROTECTION.
Report Title:	Office of Consumer Protection; Service of Process; Subpoena; Investigators
Description:	Clarifies scope of Office of Consumer Protection investigator powers.
Companion:	<a href="#">SB2856</a>
Package:	Governor
Current Referral:	CPH, JDL
Introducer(s):	SOUKI (Introduced by request of another party)



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**PRESENTATION OF THE  
OFFICE OF CONSUMER PROTECTION**

**TO THE SENATE COMMITTEE ON  
COMMERCE, CONSUMER PROTECTION, AND HEALTH**

**THE TWENTY-EIGHTH LEGISLATURE  
REGULAR SESSION OF 2016**

**WEDNESDAY, MARCH 16, 2016  
9:00 A.M.**

**TESTIMONY ON HOUSE BILL NO. 2327, RELATING TO CONSUMER PROTECTION.**

**TO THE HONORABLE ROSALYN H. BAKER, CHAIR,  
AND TO THE HONORABLE MICHELLE N. KIDANI, VICE CHAIR,  
AND MEMBERS OF THE COMMITTEE:**

The Department of Commerce and Consumer Affairs (“DCCA”), Office of Consumer Protection (“OCP”) supports House Bill No. 2327, Relating to Consumer Protection. My name is Stephen Levins and I am the Executive Director of the OCP.

This Administration Bill clarifies that the power and authority of OCP investigators referenced in section 487-10, Hawaii Revised Statutes (“H.R.S.”) only pertains to promote the service of process and to the service of subpoenas. The amendment will reconcile a possible ambiguity under current law and will harmonize the statute with

other provisions in Hawaii law governing the service of process and subpoenas. See, H.R.S. §§ 26-9(j) and 634-21 and Rule 4(c) of the Hawaii Rules of Civil Procedure.

When H.R.S. § 487-10 was initially enacted more than 40 years ago, only police officers or sheriffs were legally authorized to serve legal documents in the State of Hawaii. Consequently, at that time the Legislature decided to explicitly provide police powers to OCP investigators so that they too could serve subpoenas and service of process. Since the law has changed in this regard, as reflected in the above referenced legal authority, and service of process or subpoenas is no longer restricted to police officers or sheriffs, it is no longer necessary or appropriate for H.R.S. § 487-10 to contain such broad expansive language regarding the authority of OCP investigators.

House Bill No. 2327 and Senate Bill No. 2856 are companions. There are no differences between the bills. Consequently, the OCP has no preference regarding them.

Thank you for the opportunity to testify on House Bill No. 2327. I am available for any questions that you may have regarding this Bill.